

said Steele to fulfill any of the duties imposed upon him in this act.

SEC. 7. Any person who shall sustain any injury by the negligence or default of said Steele or of the ferryman in his employ, may have a remedy by an action upon the bond required in this act.

Suits on the bond may be instituted for injury to any person by neglect of said Steele, etc.

APPROVED, the twentieth day of October, one thousand eight hundred and forty-nine.

CHAP. XL.—An Act to incorporate the Town of St. Paul, in the County of Ramsey.

November 1, 1849.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That so much of the Town of St. Paul as is contained in the original plat of said town made by Ira Brunson, together with Irvine and Rice's addition, be and the same is hereby created a town corporate, by the name of the town of St. Paul.

Town, limits defined, etc.

SEC. 2. That for the good order and government of said town, it shall be lawful for the male inhabitants thereof, having the qualifications of electors of members of Legislative Assembly of the Territory of Minnesota, to meet at the place of holding elections in said town on the sixth day of May next, and at the same time, annually thereafter, at such place in said town as the Town Council may direct, and then and there proceed by ballot, to elect one President, one Recorder and five Trustees, being householders of said town, and having the qualifications of electors as aforesaid, who shall hold their offices one year and until their successors shall be elected and qualified, and such President, Recorder and Trustees being so elected and qualified, shall constitute the Town Council of said town, any three of whom, shall constitute a quorum for the transaction of business pertaining to their duties.

Inhabitants—meeting of electors and qualifications, annual meeting and first meeting, election of officers—Town Council—quorum.

SEC. 3. At the first election to be holden under this act, there shall be chosen *viva voce*, by the electors present, two judges and a clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this act, and at all subsequent elections, the Trustees or any two of them, shall be judges, and the Recorder, or in his absence, some person to be appointed by the judges, shall be clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four in the afternoon of said day, and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present by one of the judges, and the clerk shall make a true record thereof, and within five days thereafter, he shall give notice to the persons so elected, of their elections; and it shall be the duty of the said Town Council, at least ten days before each and every election, to give notice of the same by setting up advertisements at three of the most public places in said town.

Election—first and subsequent ones, how conducted—clerk in five days after election to give notice, ten days notice given of every election.

SEC. 4. Each member of said Town Council before entering upon the duties of his office, shall take an oath or affirmation, to support the Constitution of the United States, and also an oath of office.

Oath of officers.

SEC. 5. The President, Recorder and Trustees of said town, shall be, and are hereby created a body corporate and politic, with perpetual succession, to be known and distinguished by the name and style of "The Town of St. Paul," and shall be capable in law.

Body corporate created "Town of Saint Paul."

To have a common seal, first process against corporation, served by copy left with Recorder six days before trial.

President and Recorder's duty—meetings of Council, by-laws open to inspection of electors, absence of Recorder.

Vacancies filled, absence of President and Recorder from meetings—may appoint.

By-laws, ordinances, etc., made, altered or amended and provide for election or appointment of certain officers, duties, fees, oath, bond, fines and penalties for violations of ordinances, by-laws to take effect, when.

Receipts and expenditures published annually.

Streets and alleys, width of, and

by their corporate name aforesaid, to acquire property, real, personal and mixed, for the use of said town, and may sell and convey the same at pleasure. They may have a common seal, which they may break, alter or renew at pleasure; they may sue and be sued, plead and be impleaded, defend and be defended, in all manner of actions, in all courts of law or equity; and when any suit shall be commenced against said corporation, the first process shall be served by an attested copy thereof left with the Recorder or at his usual place of residence, at least six days previous to the return day of such process.

SEC. 6. The President, and in his absence, the Recorder, shall preside at all meetings of the Town Council; and the Recorder shall attend all meetings of the Town Council, and make a fair and accurate record of all their proceedings, and of the by-laws, rules and ordinances made or passed by the Common Council aforesaid, and the same shall, at all times be open for inspection of the electors of said town; but in case of the absence, or inability of the Recorder, the trustees may appoint one of their own body clerk *pro tempore*.

SEC. 7. The Town Council shall have power to fill all vacancies which may happen in said board, from the householders who are qualified electors of said town, who shall hold their appointments until next annual election, and until their successors shall be elected and qualified; and in the absence of the President and Recorder from any meeting of the Town Council, the Trustees shall have power to appoint any two of their number to perform the duties of President and Recorder for the time being.

SEC. 8. The said Town Council shall have power to make, ordain and establish, by-laws, ordinances, rules and regulations for the government of said town; and the same to alter, amend or to repeal at pleasure; to provide in such by-laws for the appointment or election of a Treasurer, Town Marshal and all the subordinate officers which they may think necessary for the good government and well being of said town; to prescribe their duties, and determine the period of their appointment, and the fees they shall be entitled to receive for their respective services, where the same is not otherwise provided for by this act; and to require of them to take an oath of office previous to entering upon the duties of their respective offices, and may further require of them, a bond with security, conditioned for the faithful performance of their respective offices. The Town Council shall also, have power to fix to the violation of the by-laws and ordinances of the corporation such reasonable fines and penalties: *Provided*, That such by-laws and ordinances be not inconsistent with the constitution and laws of the United States, or of this Territory. *And Provided*, also, That no by-laws or ordinances of said corporation, shall take effect or be in force, until the same shall have been posted up at least ten days in one of the most public places within said town, and the certificate of the Recorder entered upon the records of said Town Council, shall be deemed and taken to be sufficient evidence of such publication.

SEC. 9. The Town Council shall, at the expiration of each and every year, cause to be made out and posted up as aforesaid, the receipts and expenditures of the preceeding year.

SEC. 10. The Town Council shall have power to regulate and improve the streets and alleys, and determine the widths of the side

walks in said town, to regulate the public grounds, to erect a market house and regulate the markets, to remove all nuisances and obstructions from the streets and commons of said town, and do all things which similar corporations have power to do, in order to provide for and secure health, cleanliness and good order in said town.

SEC. 11. For the purpose of more effectually enabling the said Town Council to carry into effect the provisions of this act, they are hereby authorized and empowered to assess a tax for corporation purposes within the limits of said corporation, made taxable by the laws of this Territory, so that said tax shall not exceed in any year, five mills on the dollar of valuation, as the same may be found on the books of the County Commissioners of the County of Ramsey at the time of assessing said tax. The Town Council shall also have power, if authorized to do so by a majority of all the electors in said town, at any meeting called for that purpose, to levy an additional tax as above specified, sufficient to organize and establish a Fire Company and purchase an engine, hose and other necessary apparatus, for the extinguishment of fires in said town; public notice of which meeting and the object thereof, shall be given by posting up a written or printed notice thereof, in at least three of the most public places in said town, ten days before the time of such meeting.

SEC. 12. When any tax is levied, it shall be the duty of the Recorder to make out a duplicate of the taxes, charging each individual owning property in said corporation with the amount assessed on each item of property as found on the books of the County Commissioners of said county, which duplicate shall be certified by the President and Recorder, and one copy thereof shall be placed in the hands of the Marshal or such other person as shall be appointed collector, whose duty it shall be to collect said tax, in the same manner and under the same regulations as other county taxes are collected; and the said Marshal or such other person as may be appointed Collector, shall immediately after collecting said tax, pay the same over to the Treasurer of said corporation and take his receipt therefor; and the said Marshal or other Collector, shall have the same power to sell both real and personal property for the non-payment of the corporation taxes, as is given to the County Collector; and when necessary, the Recorder shall have power to make deeds in the same manner that other Sheriffs do, and the Marshal or other Collector, shall receive for his fees, such sum as the Town Council may direct, not exceeding six per centum on all moneys so by him collected, to be paid by the Treasurer on the order of the Recorder.

SEC. 13. The President of said town, shall be a conservator of the peace within the limits of said corporation, and shall have and exercise all the ordinary powers of justice of the peace, within the limits of the said corporation, in all matters civil or criminal, arising under the laws of this Territory; he shall give bond and security as required of justices of the peace, except that the said bond shall be taken in the name of the Town of St. Paul; and appeals may be taken from his judgment in all civil cases and in all penal cases arising under the laws and ordinances of said town, to the District Court of the County of Ramsey, in the same manner and within the same time, as appeals are or may be taken and perfected in ordinary cases before justices of the peace. Said President.

Improvement of—
public ground, mar-
ket house and mar-
kets—remove nui-
sances, etc.

Taxes may be as-
sessed for corpora-
tion purposes, not
to exceed any year
five mills on the
dollar of valuation,
may levy an addi-
tional tax by vote
of the people for
fire department—
notice of meeting,
etc.

Duplicate of tax-
es; how made out
and by whom, and
certified to marshal
or collector, and
duty of, and pay-
ment to the treas-
urer, Recorder to
make tax deeds,
marshal's fees and
how paid.

President, pow-
ers and duties in
civil and criminal
matters, bond tak-
en in the name of
"Saint Paul;" ap-
peals may be taken
from judgments—
docket of proceed-
ings, executions,
etc., fees allowed.

shall keep a docket and a fair and true record of his proceedings, judgments and executions in all cases which may come before him, and shall be entitled to the same fees as are allowed to justices of the peace for similar services.

Marshal, powers and duties, jurisdiction in criminal matters co-extensive with the county, fees, etc.

SEC. 14. The Marshal shall be principal ministerial officer of said town, and shall have the same powers therein as Constables have by law in their respective counties, and his jurisdiction, in criminal cases, shall be co-extensive with the county; he shall execute all process issued by the President, and receive the same fees that Constables are allowed in similar cases for like services.

Jail, use of given for criminals convicted under the by-laws, etc.

SEC. 15. Said corporation shall be allowed the use of the jail of the county for the imprisonment of such persons as may be liable to imprisonment, under the by-laws and ordinances of said corporation, and such persons shall be under the charge of the sheriff of said county as in other cases.

Books, papers, etc., handed over to successors, etc.

SEC. 16. That the President, Recorder, Trustees, or other officers of said corporation, shall, on demand, deliver to their successors in office, all such books, papers and other property as appertain in any wise to said corporation.

When act in force.

SEC. 17. This act to take effect from and after its passage.

APPROVED, the first day of November, one thousand eight hundred and forty-nine.

November 1, 1849.

CHAP. XII.—An Act to incorporate the Minnesota Mutual Fire Insurance Company.

Corporation named and created a body corporate, to insure houses, shops, etc.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, Henry Jackson, Charles K. Smith, Franklin Steele, Alexander M. Mitchell, David Olmsted, William H. Forbes, Lorenzo A. Babcock, Morton S. Wilkinson, Joseph M. Marshall, Socrates Nelson, Alexander Wilkin, Charles F. Tracy, Augustus L. Freeman and William H. Randall, sen., and all other persons who may hereafter associate with them in the manner herein prescribed, shall be a corporation, by the name of the "Minnesota Mutual Fire Insurance Company," for the purpose of insuring their respective dwelling-houses, stores, shops and other dwellings (*buildings*), household furniture, merchandize and other property, against loss or damage by fire, and for no other purpose.

Directors, business of said corporation to be done in St. Paul.

SEC. 2. The persons named in the first section of this act, shall be the first Directors of the said corporation. The business of the said corporation shall be carried on and conducted at such place in the Town of St. Paul, in Ramsey County, as shall be designated by a majority of the members thereof, present at any regular meeting.

Seal—and to hold real estate in amount as the company may require.

SEC. 3. Said corporation may make and use a common seal, for the transaction of their business, and may alter the same at pleasure; and may hold, purchase and convey, such real and personal estate as the legitimate purposes of the corporation shall require.

Members of company—who, etc.

SEC. 4. All persons who shall insure with the said corporation, and also their heirs, executors, administrators and (their) assigns, continuing to be insured in said corporation, as herein provided, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.